

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 1003/99-00  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/PS/1

**Legislative Council**  
**Panel on Public Service**

**Minutes of meeting**  
**held on Monday, 20 December 1999 at 10:45 am**  
**in the Chamber of the Legislative Council Building**

**Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)  
Hon Michael HO Mun-ka  
Hon LEE Cheuk-yan  
Hon CHEUNG Man-kwong  
Hon CHAN Kwok-keung  
Hon CHAN Wing-chan  
Hon Howard YOUNG, JP

**Member attending** : Hon CHAN Yuen-han

**Members absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, JP (Deputy Chairman)  
Hon LEE Kai-ming, SBS, JP  
Hon Andrew WONG Wang-fat, JP  
Hon Ambrose LAU Hon-chuen, JP

**Public officers attending** : **Civil Service Bureau**  
  
Mr LAM Woon-kwong  
Secretary for the Civil Service  
  
Ms Anissa WONG  
Deputy Secretary for the Civil Service (1)

Mrs Susan MAK  
Deputy Secretary for the Civil Service (3)

Ms Cecilia YEN  
Principal Assistant Secretary for the Civil Service  
(Special Duties)

**Senior Civil Service Council (Staff Side)**

Association of Expatriate Civil Servants of Hong Kong

Mr Barry BROWN  
Staff Side Chairman, Senior Civil Service Council

Hong Kong Chinese Civil Servants' Association

Ms SO Chui-kuen, Cecilia  
President

Mr WONG Hyo, Peter  
Vice-President

Ms LI Kwai-yin  
Deputy Secretary General

Senior Non-expatriate Officers Association

Dr LEUNG Chi-chiu  
Chairman

Mr PANG Tat-choi, Paul  
Vice-Chairman

**Model Scale 1 Staff Consultative Council (Staff Side)**

Mr CHAN Cheung-yee  
Staff Side Chairman

Mr CHAN Kui  
Staff Side Vice-Chairman

Mr LUNG Wing-fat  
Member

**Disciplined Services Consultative Council (Staff Side)**

Mr WONG Tang-kin  
Staff Side Chairman

Mr CHUNG Cheuk-hung  
Staff Side Representative

Ms TANG Yin  
Staff Side Representative

**Federation of Civil Service Unions**

Mr LEUNG Chau-ting  
Chairman

Mr LAM Pun-wing  
General Secretary

**Hong Kong Civil Servants General Union**

Mr CHEUNG Kwok-bui  
Chairman

Mr ON Hing-bui  
Vice-Chairman

Mr CHAN Wing-fai  
Vice-Chairman

**Government Disciplined Services General Union**

Mr WONG Kwong-chung  
Vice-Chairman

Mr LEUNG Yik-chuen  
Vice-Chairman

**Government Employees Association**

Mr CHAN Che-kwong

Chairman

Mr SUEN Ming-fung  
Vice-Treasurer

Mr SIU Po-sang  
Representative

**Government Staff Union**

Ms CHAN Fung-kiu  
Chairman

Mr TSE Lung-man  
Treasurer

**Association of Government Technical and Survey Officers**

Mr MAN Yui-kwong  
President

Mr YUNG Chun-chiu  
Vice-President

Mr FONG Wai-lam  
Deputy General Secretary

**Government Electrical & Mechanical Works Supervisors,  
Craftsmen & Workmen Association**

Mr TUNG Sing-kan  
Chairman

Mr FUNG Siu-ming  
Vice-Chairman

Mr NG Shi-kau  
Vice-Chairman

**Clerical Grades Civil Servants General Union**

Mr CHAN Wai-keung  
1<sup>st</sup> Vice-President

Ms CHAN Suet-king  
2<sup>nd</sup> Vice-President

Ms MAK Lai-sin  
Executive Committee Member

**Alliance of Housing Department Staff Unions**

Mr LAM Man-cheuk  
Convenor

Mr KWOK Sek-tung  
Core Group Member

Mr WONG Chin-to  
Core Group Member

**Clerk in attendance :** Miss Salumi CHAN  
Chief Assistant Secretary (1)5

**Staff in attendance :** Mr Matthew LOO  
Senior Assistant Secretary (1)7

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Action

- I. Date of next meeting and items for discussion**  
(LC Paper No. CB(1)624/99-00(01) — List of outstanding items for discussion  
LC Paper No. CB(1)624/99-00(02) — List of follow-up actions)

Meeting on 17 January 2000

The Chairman advised that as agreed by members at the last meeting, the Panel would discuss the "Policy governing acceptance of outside appointments by civil servants after retirement or early retirement" at the next regular meeting on 17 January 2000.

*(Post-meeting note :* With the concurrence of the Chairman, the following items were added to the agenda for the meeting on 17 January 2000:

- (a) Corporatization of the Survey and Mapping Office of the Lands Department — Impact on the staff concerned; and
- (b) Civil Service Starting Salaries Review 1999.)

#### Review of provision of Home-to-Office Travelling Subsidy

2. The Chairman advised that the Administration had proposed to discuss the item on "Review of Provision of Home-to-Office Travelling Subsidy" at the next meeting on 17 January 2000. However, the Chairman pointed out that the item was covered by Chapter 8 "Administration of allowances in the civil service" of Report No. 33 of the Director of Audit (D of A) being considered by the Public Accounts Committee (PAC). As PAC planned to present its report on D of A's Report to the Council on 26 January 2000, the Chairman considered it not advisable for the Panel to discuss the item before then. Panel members shared his view and agreed to discuss the item at the meeting on 21 February 2000.

3. Miss CHAN Yuen-han considered that PAC and the Panel might have different views on the provision of the Home-to-Office travelling allowance. If the Panel discussed the subject after PAC had presented its report to the Council, the discussion might be pre-empted by the conclusions of the PAC report. Mr CHEUNG Man-kwong pointed out that PAC comprised representatives of various political parties and that the parties' views could be reflected to the committee through their representatives. In response, Miss CHAN said that Mr LAU Kong-wah, her party member on PAC, had declared interests on the subject and therefore did not participate in PAC's deliberations. The Chairman suggested that Miss CHAN could consider reflecting her views on the subject to PAC in writing.

#### Independence of the Audit Commission

4. Mr CHEUNG Man-kwong proposed to discuss whether the Audit Commission (AC) should be independent of the Government to facilitate the effective performance of its duties of examining and auditing public accounts. As directed by the Chairman, the Clerk would liaise with the Administration on the matter.

*(Post-meeting note : On the advice of the Administration and with the concurrence of the Chairman, the subject of the independence of AC was referred to the Panel on Constitutional Affairs for follow-up action.)*

## **II. Information papers issued since the last meeting**

5. The Panel noted that the following papers had been issued since the last meeting:

- (a) "Legislative Council Brief on Starting Salaries Review" issued vide LC Paper No. CB(1)616/99-00 on 15 December 1999; and
- (b) "Review of Acting Appointment System" issued vide LC Paper No. CB(1)632/99-00 on 16 December 1999.

6. The Chairman asked if members wished to discuss the above two subjects at future Panel meetings. He advised that members who wished to do so might inform the Clerk.

### **III. Consultative machinery of the civil service**

7. The Chairman advised that the Administration, Central Staff Consultative Councils and civil service unions had been invited to give views on the consultative machinery of the civil service, with particular emphasis on the following two aspects:

- (a) consultative machinery at the central level of the civil service; and
- (b) consultative machinery at the departmental level, with particular reference to the case of corporatization of the Housing Department (HD).

8. The Chairman welcomed the representatives of the three Central Staff Consultative Councils and ten civil service unions to the meeting, and asked members to refer to the written submissions from ten of the deputations.

#### Presentation by deputations

*Senior Civil Service Council (Staff Side) (SCSC)*

*(including Association of Expatriate Civil Servants of Hong Kong, Hong Kong Chinese Civil Servants' Association and Senior Non-expatriate Staff Association)*

*(LC Paper Nos. CB(1)624/99-00(03) and CB(1)624/99-00(03)a)*

9. Mr Barry BROWN, Staff Side Chairman of SCSC, advised that the existing consultative machinery as enshrined in the 1968 Agreement between the Hong Kong Government and the main staff associations (the 1968 Agreement) had functioned well over the years. The Staff Side of SCSC did not see the need for any fundamental change. However, the Staff Side of SCSC was concerned that the spirit of good and genuine staff consultation reflected in the 1968 Agreement had deteriorated significantly in recent years.

*Model Scale 1 Staff Consultative Council (Staff Side)(MS1SCC)*  
(LC Paper No. CB(1)624/99-00(04))

10. Mr CHAN Cheung-ye, Staff Side Chairman of MS1SCC, advised that MS1SCC had been operating smoothly since its establishment in 1982. MS1SCC was satisfied with the existing consultative machinery at the central level and therefore did not see the need for any change. MS1SCC did not have any views on the consultative machinery at the departmental level.

*Disciplined Services Consultative Council (Staff Side) (DSCC)*  
(LC Paper No. CB(1)624/99-00(05))

11. Mr WONG Tang-kin, Staff Side Chairman of DSCC, advised that DSCC had been operating smoothly. Hence, DSCC considered that the existing consultative machinery at the central level should be maintained. DSCC also did not have any views on the consultative machinery at the departmental level.

*Federation of Civil Service Unions (FCSU)*  
(LC Paper No. CB(1)624/99-00(06))

12. Mr LEUNG Chau-ting, Chairman of FCSU, considered the existing consultative machinery at the central level inadequate, having regard to the expansion of the establishment of the civil service from less than 100 000 to 190 000 since 1968. He noted that the Labour Department had set up the Labour Relations Promotion Unit in 1998 to promote harmonious labour-management relations in the private sector. He therefore urged the Administration to devote more resources to improve the communication between management and staff in the civil service. In the recent consultation exercise on the Civil Service Reform, for example, various civil service unions, including those who were not members of SCSC, had given views on the subject and made their contribution. FCSU requested the Administration to seriously consider the need to review the structure of SCSC with a view to widening its representative base by including more civil service unions as its members, or to set up a new staff consultative council for civil servants in general.

*Hong Kong Civil Servants General Union (HKCSGU)*  
(LC Paper No. CB(1)624/99-00(07))

13. Mr CHEUNG Kwok-bui, Chairman of HKCSGU, supported FCSU's views on the consultative machinery at the central level. On the representativeness of SCSC, Mr CHEUNG pointed out that among the three members of SCSC, the Association of Expatriate Civil Servants of Hong Kong and the Senior Non-expatriate Staff Association represented only a limited number of civil servants. Both of them did not represent civil servants on Master Pay Scale (MPS) Points 1 to 33. This category of staff must join the Hong Kong Chinese Civil Servants' Association if they wished to be

represented in SCSC. HKCSGU therefore requested the Administration to review the structure of SCSC, or to set up a new staff consultative council for all staff on MPS.

14. Mr CHEUNG also pointed out that the criteria for admission to SCSC were not objective, and a review of the criteria was warranted.

15. Mr CHEUNG considered the operation of the consultative machinery at the departmental level acceptable. However, to enhance the neutrality of departmental consultative committees, members of the committees should not be appointed by the departmental management.

*Government Disciplined Services General Union (GDSGU)*

16. Mr WONG Kwong-chung, Vice-Chairman of GDSGU, stated that GDSGU considered the operation of DSCC satisfactory and had no specific request for change. However, as DSCC had been established for about ten years, GDSGU would not object to any proposal for review.

17. As regards the consultative machinery at the departmental level, Mr WONG did not see any particular problems with the operation of departmental consultative committees.

*Government Employees Association (GEA)*  
(LC Paper No. CB(1)624/99-00(08))

18. Mr CHAN Che-kwong, Chairman of GEA, considered that the Administration should review the structure of SCSC in order to keep pace with the changes in the civil service in the past three decades, and to enhance the representativeness of SCSC. GEA also urged the Administration to revise the criteria for admission to SCSC so that other major civil service unions could join it.

*Government Staff Union (GSU)*

19. Ms CHAN Fung-kiu, Chairman of GSU, considered that all civil service unions registered under the Trade Unions Ordinance (Cap. 332) should be allowed to join the central staff consultative councils.

*Association of Government Technical and Survey Officers (AGTSO)*  
(LC Paper No. CB(1)624/99-00(09))

20. Mr MAN Yui-kwong, President of AGTSO, pointed out that the existing consultative machinery at the central level was inadequate as the level of consultation was not comprehensive. For example, civil service unions of individual grades or departments were not fully consulted. Even if they were consulted, the Administration normally did not give them a formal reply to inform them whether their views had been

accepted or not. Mr MAN stressed the importance of two-way communication and urged the Administration to review the consultative machinery at the central level.

*Government Electrical & Mechanical Works Supervisors, Craftsmen & Workmen Association (GEMWSCWA)*  
(LC Paper No. CB(1)624/99-00(10))

21. On the consultative machinery at the central level, Mr FUNG Siu-ming, Vice-Chairman of GEMWSCWA, pointed out that the representativeness of SCSC had caused concern in the civil service in the recent years. GEMWSCWA considered that SCSC, as its name suggested, should only represent senior civil servants, for example, those on MPS Point 23 or above. In the circumstances, a new staff consultative council for junior civil servants on MPS Point 22 or below should be set up.

22. At the departmental level, Mr FUNG considered that the consultative machinery of some departments had been operating smoothly while some other departments, such as HD, was not so satisfactory.

*Clerical Grades Civil Servants General Union (CGCSGU)*  
(LC Paper No. CB(1)624/99-00(11))

23. Ms CHAN Suet-king, 2<sup>nd</sup> Vice-President of CGCSGU, advised that the clerical grades comprised 26 000 staff members who were represented by five unions. There was no representative of the clerical grades in SCSC. The Administration should therefore review the consultative machinery at the central level so that more civil service unions would be allowed to join the staff consultative councils. In this connection, CGCSGU supported HKCSGU's suggestion to set up a new staff consultative council for all staff on MPS.

*Alliance of Housing Department Staff Unions (the Alliance)*  
(LC Paper Nos. CB(1)624/99-00(12) and CB(1)624/99-00(13))

24. Mr LAM Man-cheuk, Convenor of the Alliance, pointed out that the departmental management of HD had, through the departmental consultative committees, briefed the staff representatives on the recommendations of the Housing Authority (HA) on greater private sector involvement (PSI) in estate management and maintenance services. Despite views put forward by the Staff Side, the departmental management was firm in maintaining its stance. Having regard to the fact that HD had already contracted out 80% of its work, the Alliance considered it inappropriate to contract out the remaining work through greater PSI as it would result in staff redundancy. The Alliance urged the Administration to give an undertaking in writing to each of the staff of HD reassuring them that they would not become redundant in the implementation of the greater PSI Scheme. The Alliance also introduced the concept of "third party intervention" and invited Legislative Council Members to act as the third party in settling labour disputes in HD.

*Hong Kong Chinese Civil Servants' Association (HKCCSA)*  
(LC Paper No. CB(1)624/99-00(16))

25. Mr WONG Hyo, Vice-President of HKCCSA, tabled the submission from HKCCSA at the meeting and responded to some of the comments made by other civil service unions on SCSC and HKCCSA. He stressed that the representativeness of SCSC was unquestionable as its three member associations represented 70% of all civil servants, including local and expatriate staff of various ranks. Since the establishment of SCSC in 1968, a civil service union had applied twice to join SCSC. The two applications were unsuccessful because the union did not meet the admission criteria which were in fact some basic requirements on membership composition, membership size, financial position, etc. Nevertheless, HKCCSA adopted an open attitude and was ready to discuss with the parties concerned on any proposed changes to the criteria.

26. Mr WONG also pointed out HKCCSA's view that the proposals on the setting up of more central staff consultative councils might not be in the interest of the civil service. The matter of concern should be how to improve the operation of the existing staff consultative councils so that the Staff Side could actively and effectively participate in the discussions with the Administration on any proposals affecting civil servants, such as those proposed under the Civil Service Reform.

*(Post-meeting note: The submission from HKCCSA was circulated to members vide LC Paper No. CB(1)654/99-00 on 21 December 1999.)*

Brief response by the Administration  
(LC Paper No. CB(1)624/99-00(14))

27. Deputy Secretary for the Civil Service (3) (DSCS3) advised that there was a well-established consultative machinery in the civil service. At the central level, SCSC was open to all civil service unions which met the admission criteria. In brief, a member of SCSC must be a civil service union registered under the Trade Unions Ordinance, Cap. 332. Its membership should be service-wide mixed grade with the majority being paid-up members paying an annual membership fee. It should also be financially sound as confirmed by the Registrar of Trade Unions. These admission criteria had been reviewed in 1988 and 1996.

28. DSCS3 also pointed out that the Administration had all along maintained its positive and sincere attitude in conducting consultation with civil servants and this could be reflected in the recent consultation exercises on the Civil Service Reform.

## Discussions

### *Review of the consultative machinery at the central level*

29. Having regard to the changes in the civil service in the past three decades, members recognized the need for reviewing the consultative machinery at the central level to ensure that civil servants were fully represented in the central staff consultative councils. They also urged the Administration to consider the proposals of some of the civil service unions, for example, to widen the representative base of SCSC or to set up a new staff consultative council. DSCS3 advised that in considering these proposals, the Administration had to study carefully whether the existing consultative machinery was inadequate. In the Administration's view, this was not the case as the existing four central staff consultative councils represented a great majority of civil servants and those civil service unions not represented in these councils might directly reflect their views to the Administration as and when necessary.

30. Mr LEE Cheuk-yan considered that if the existing consultative machinery was adequate, there was no need for the Administration to set up working groups to discuss with various civil service unions on the proposals under the Civil Service Reform. He therefore urged the Administration to widen the representative base of SCSC. Mr CHEUNG Man-kwong also urged the Administration to seriously consider the views of those civil service unions which had expressed their frustrations that they were not represented in SCSC. Miss CHAN Yuen-han requested the Administration to take an active role in reviewing the situation and addressing the problem.

31. In response, DSCS3 pointed out that SCSC was established in 1968 on the basis of the 1968 Agreement signed between the Government and three major staff associations. Any change to the composition of SCSC required amendment of the 1968 Agreement and consultation with the three major staff associations. Responding to the Chairman, DSCS3 advised that according to paragraph 15 of the constitution of SCSC (Appendix A of the 1968 Agreement), "the constitution of the Council may be amended by agreement in the Council, subject to the covering approval of the Chief Secretary for Administration being obtained before the amendment is brought into effect." Mr CHEUNG Man-kwong considered that if the need to amend the 1968 Agreement was established, the Administration should seek the agreement of the parties concerned on the proposed amendments or reach a new agreement with them.

32. At the request of Mr LEE Cheuk-yan, DSCS3 undertook to provide the Panel with the 1968 Agreement.

*(Post-meeting note : The 1968 Agreement (original version, 1982 revised version and 1998 adapted version) and an information paper on "Review of 1968 Agreement in 1981" were circulated to members vide LC Paper No. CB(1)661/99-00 on 10 January 2000.)*

*Review of the admission criteria for SCSC*

33. Responding to Mr Michael HO, DSCS3 advised that a number of applications for joining SCSC had been received in the previous years but the applications were unsuccessful as the civil service unions concerned did not meet the admission criteria. Mr CHEUNG Kwok-bui, Chairman of HKCSGU, pointed out that the admission criteria were so unclear that the applicants did not know the exact requirements. On membership size, for example, it was not clear on the minimum number of members required. On financial position, the applicants should be "financially sound as confirmed by the Registrar of Trade Unions" but it was not clear what constituted a financially sound position. Mr CHEUNG advised that one of the applications submitted by HKCSGU had been turned down for the reason that its financial position was not sound, as one of its member associations had not paid the annual membership fee. He therefore strongly urged the Administration to review the admission criteria.

34. Responding to Mr LEE Cheuk-yan, DSCS3 confirmed that the minimum number of members required for the applicant was not specified in the admission criteria. As regards double membership, DSCS3 advised that a civil servant who was a member of two civil service unions would be counted towards the membership of the two unions concerned.

35. Members shared the views of some of the civil service unions that the admission criteria should be reviewed. The Chairman considered that the criteria should be clear and more specific. DSCS3 agreed to conduct such a review. However, she pointed out that the admission criteria were an integral part of the 1968 Agreement and that any change to the admission criteria required consultation with the three major staff associations concerned. Mr CHEUNG Man-kwong suggested the Administration to conduct a joint meeting with the representatives of the four central staff consultative councils and various civil service unions on the review. Miss CHAN Yuen-han supported his view.

Admin

36. At the request of members, Secretary for the Civil Service (SCS) undertook to review the admission criteria for SCSC in consultation with civil service unions and to brief the Panel, in three months' time, on the progress/outcome of the review.

*Consultative machinery in HD*

37. Miss CHAN Yuen-han and Mr LEE Cheuk-yan requested the Administration to respond to the Alliance's comments on the consultation machinery in HD. DSCS3 advised that HD had consulted its staff through various channels on matters arising from the implementation of greater PSI. For example, representatives of the Alliance had been invited to join a Committee on Staffing Arrangements which was tasked to jointly work out staffing arrangement proposals for staff affected by PSI. There were also other formal and informal channels for HD staff to reflect their views. These included four Departmental Consultative Committees which represented the interests

of all staff, focus group meetings, goodwill visits by senior officers and grade management staff, meetings, seminars, briefings and open forums on PSI for both staff union members and staff in general. Staff were also kept informed of latest development through a weekly bulletin "Message from Director" and a monthly newsletter "PSI Update".

38. The Chairman sought the Administration's clarification on the role of the Civil Service Bureau (CSB) in the implementation of greater PSI in HD. DSCS3 advised that representatives from CSB attended meetings of a sub-group of the Housing Department Working Group on PSI and the Committee on Staffing Arrangements to listen to the views of the staff concerned.

**IV. Pensionable Personal Allowance for D3 and above or equivalent officers**  
(LC Paper No. CB(1)624/99-00(15))

39. Deputy Secretary for the Civil Service (1) (DSCS1) briefed members on the Administration's proposal to continue to grant a pensionable personal allowance (PPA) to officers on pensionable terms who were serving at Directorate Pay Scale Point 3 (D3) and above or equivalent and were subject to the pay freeze in 1998-99.

40. In response to Mr CHAN Wing-chan's enquiry, DSCS1 advised that the Administration had sought the approval of the Finance Committee (FC) on 17 July 1998 to grant a PPA to those D3 and above officers who retired and started receiving pension benefits in 1998-99. These officers were granted an allowance of 6.03% for one day to restore their pensionable emoluments of calculation of pension benefits to their salary level in 1998-99 plus 6.03%. On the principle of equity and consistency in policy, the Administration would seek the approval of FC in January 2000 to continue to grant a PPA to those D3 and above officers who were subject to the pay freeze in 1998-99 and who fell outside the PPA arrangement made last year.

*(Post-meeting note : The Administration's proposal was approved by FC on 7 January 2000.)*

**V. Any other business**

41. There being no other business, the meeting ended at 12:55 pm.

Action

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Legislative Council Secretariat  
16 February 2000